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OFFICE OF PETITIONS

In re Application of	:	
Hideaki KATO et al.	:	
Application No. 10/753,870	:	ON PETITION
Filed: January 9, 2004	:	
Attorney Docket No. PTGF-03104	:	

This is a decision on the renewed petition under 37 CFR 1.181, filed March 11, 2005 and resubmitted July 7, 2005, requesting withdrawal of the Notice of Abandonment mailed January 12, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to Notice to File Missing Parts of Non-Provisional Application mailed April 21, 2004, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 22, 2004.

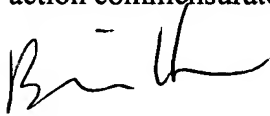
Petitioner asserts the Notice of Abandonment mailed January 12, 2005 be withdrawn as petitioner never received either the Notice to File Missing Parts of Non-Provisional Application mailed April 21, 2004.

To support this assertion petitioner has submitted: (1) a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. Accordingly, it is concluded that petitioner never received the Notice to File Missing Parts of Non-Provisional Application mailed April 21, 2004.

In view of the above, the holding of abandonment is hereby withdrawn, and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to the Office of Initial Patent Examination for appropriate action commensurate in scope with the decision herein.

A handwritten signature in black ink, appearing to read 'Brian Hearn', with a stylized flourish at the end.

Brian Hearn
Petitions Examiner
Office of Petitions